

Municipal Council Minutes
June 8, 2004
Town Hall Auditorium

Roll Call: Mario J. Pinierio, Robert D. Woodsom, Roger Benson, James D. Chandler, Ann Connolly King, Esther F. Headley, Anne C. Larnard and Joseph McMilleon
Christopher G. Lawrence not present

2004-53 Joint meeting with Planning Board to elect a member term to expire 2007

Planning Board Roll Call: Robert Courtney, John MacDonald, Howard Dalton, Hilary Ward and Michael Browne

Joint meeting called to order.

Two applicants Ara Sanentz, 44 Glen Devin and William H. Parker III, 60 Merrimac St.

Mario Pinierio nominates Ara Sanentz
Roger Benson – second

James Chandler nominates William H. Parker
Roger Benson – second

Voted:
William Parker – Chandler, Benson, MacDonald, Dalton, Ward and Brown
Ara Sanentz – Larnard, Pinierio, Woodsom, King, Headley, McMilleon and Courtney

William Parker – 6, Ara Sanentz – 7

President McMilleon – declares the joint meeting adjourned and reads a letter from the Mayor regarding the Council request to have Waste Management at the meeting tonight and have legal council review the contract (copy attached).

Patrick Hopkins, District Manager – Waste Management, Londonderry NH - Up until May 10th the Rochester, NH district was taking care of the Amesbury contract, Londonderry took over then. We are committed to take care of service failures that have occurred in the past.

President McMilleon – We have had similar problems in the past; trash that has not been collected for a number of day. It is a health concern. This has happened in various parts of the community at different times. This is a reoccurring problem that we want to get resolved in a final way.

Patrick Hopkins – I have met with the Mayor and have gone over specifics in the contract since we have taken over at the Londonderry location. Our commitment is done by district, if there is a service failure we are committed to act on it by 5 o'clock the same day. I am personally graded on it.

Councilor Chandler – I would like your direct phone number so if there is a problem we can get in touch with you.

Patrick Hopkins – (603) 537-3330 Office – (603) 801-5961 Cell

Brian Gilbert – I would not want to see an organizational break down because people are going around the DPW. I would ask that if there is a problem with service that it is brought to the DPW's attention.

Councilor Pinierio – A lot of the barrels are being thrown around and they end up on the streets. Is there any way that they can place them so they don't end up on the streets?

Patrick Hopkins – Yes that is poor service I will address that with them.

Councilor Headley – I like to say that the young lady that comes to my house brings my barrels 3 feet into my driveway and she is really nice and doing her job. I think someone like that should be complimented. I haven't seen her lately.

Patrick Hopkins – I know the woman that you are talking about and I will relay that to her Manager. She is still working at the Rochester location.

PUBLIC COMMENT

Mark Lankin, Director Public Library – I am going to give you a quick update on the building project. Before, I want to publicly thank the Friends of the Amesbury Public Library. They do a lot for the library including inside programs and beautifying the library in the spring supplementing the work that the DPW does. I want to thank Alison Kelly the Vice President who is here tonight and everyone on the friends group for that.

We are working with our architects to put together material to work with the design review committee and the historic commission to try to resolve some of the key design issues that have become prominent in this project. We are hoping to report progress by the time the finance committee meets. Secondly, we are continuing our work on the basics of designing. The fund raising effort has basically come to a halt right now. Trying to raise money in the atmosphere of uncertainty has been difficult. We are going to gear up again as soon as there is some resolution to the project issues. They have been doing a magnificent job, we are at about 1.7 million and they didn't want to go out and start a general public campaign until it appeared that the project would be more certain. The board of trustees will be holding a public hearing on issues brought up on a petition to the board that will be at the Middle School on the evening of June 21 at 7:00PM.

PUBLIC COMMENT

Deanna Hinton, 8 Fairview Ave – Fairview Ave. is right behind Union Cemetery. The DPW several years ago moved into the building there. It was supposed to be just the cemetery department, now they have several trucks parked there. I have several issues. First is the water issue. We were promised new water pipes last year. They laid the pipes on the side of the street so that first thing this spring they would be laid. Just before Memorial Day they were being taken away because it was unsightly. I called the Mayor's office with no return phone call. We were told five days later that there is no money in the budget for pipes. There are some questionable no parking signs and road signs up now. I feel the DPW employees are harassing us. They are saying we are dumping in their dumpsters, which is untrue. I feel like we are being watched, I am not comfortable in my house.

Councilor Pinierio – Can we have the DPW Director address that woman's concern? I want also want Ms. Hinton to e-mail me and I will address that at the next Traffic and Transportation meeting.

John Iacabucci, 5 Hillside Ave. – The Library Trustees and Mr. Larkin in particular has become very sensitive to the criticism about the library design. There have been a lot of misconceptions. The citizen group behind the petition is not opposed to the library. Our point is the destruction of the stack wing and the construction of a very uncomplimentary addition. I attended the MHC and they said they are only advisory with no authority. I heard at a Finance Committee meeting that the MHC had accepted the design. They only write a determination of adverse effect. A big misconception was that when they came to the council for money people thought it was a done deal, which is not the case. This process has to go through all of the steps; the historic commission, demolition permit, the planning board, the design review committee and then the council. If you award the money you are saying go ahead and do what you want to do. That would be a gross misconception.

President McMilleon – John can you finish it up please, you have had more than three minutes. I wanted you to respond specifically to the comments that Mr. Larkin was making. We are going to have a full hearing on this on the 21st. We have had extensive discussions in regard to the library and we will have continued future discussions on this. Please conclude your remarks.

John Iacabucci - We have researched other libraries and the information conflicts with our library people. There are misconceptions but, if you are going to start playing a blame game it will become very contentious.

Michelle Thone, Hunt Road – Mr. Larkin talked about changes to the design and I hope we do see the design changes recommended by the design review committee and the MHC. I want the council to give thought to current construction estimates since estimates that we are working with were done three and a half years ago.

President McMilleon – The public comment period is completed. I want to go back and accept the minutes for May 11th.

Councilor Benson – so moved

Councilor Pinierio – second.

Voted – 8 Yes, 1 not present (Lawrence)

LICENSES AND PERMITS

2004-63 – Irving Oil Corporation – Common Victualler

President McMilleon – reads 2004-63 into the record and asks a representative from Irving Oil to speak.

Skip Smith, Area Manager for Irving Oil – Hoping to come to Massachusetts.

Councilor Pinierio – Are you going to keep it the same way with sandwiches and coffee?

Skip Smith – Absolutely and enhance the outside and inside.

Councilor Pinierio – Are you planning on enlarging the convenient store?

Skip Smith – I believe we are taking it as it stands.

Councilor Pinierio – Are you going to be open 24/7?

Skip Smith – That is our intention.

Councilor Pinierio – Have you been before the board of health?

Skip Smith – Yes

Councilor Pinierio – When do you plan on taking possession?

Skip Smith – There are a few issues that need to be resolved with in the real estate departments of both parties. We are hoping sometime late this summer.

Councilor Chandler – From what I have seen of Irving Oil they are a wonderful outfit.

Councilor Headley – Wants clarification on exactly where this location is.

Councilor Pinierio – I make the motion that we accept as per the usual permit process.

Councilor Benson – second

Voted – 8 Yes, 1 not present (Lawrence)

2004-64 Daniel F. Cleary d/b/a Sing For Your Supper – Common Victualler

President McMilleon – reads 2004-64 into the record and asks Dan Cleary to speak on this request.

Daniel Cleary – I was watching people perform in Quincy Market and I thought it would be a nice way to make a living but, I didn't want to put down a can. So, I thought about it and I decided why not sell them something. If people buy a burger, hot dog or soft drink that will keep me going. After 27 years of negative I just want to have fun with people; sing with them and feed them. The Visitor Center is a beautiful location and the first impression of Amesbury. I love to sing and want to give back to the community.

Councilor Woodsom – I want to address the letter from Denis Nadeau. He wanted to be sure that this is a push cart business and not a permanent fixture in that building due to the zoning.

Daniel Cleary – It will be a cart that comes in the morning and leaves at night. The hours will be very short to start maybe 10am – 2pm. I want to stay at this location and get established. Obviously if people came up and wanted me to do a backyard barbeque sure but it would not be connected to what I am doing at the visitors center.

Councilor Chandler – I don't know if Amesbury has regulations or charges for that kind of operation. Do we have a fee schedule?

Councilor Pinierio – That is what the common victualler license is for.

Councilor Woodsom – I understand that they way Denis is writing this it is for the use and not the location.

Councilor Benson – I think the confusion is for Town Ways but he is planning on staying in one spot. I don't think there is an issue as long as everything is taken down every day.

Councilor Chandler – I think that is a good idea and location but if the neighbors find that it becomes a nuisance you don't have a license to stay there.

Daniel Cleary – As far as the music and noise I have already checked into what the decimals are legally under the Mass Supreme Court. I plan on being much lower.

Councilor Chandler – I hope that people will be pulling into the visitor's center and not parking in the street.

Daniel Cleary – If you look at the design it is closed on the Salisbury side and open on the Amesbury side. In the parking lot it is a rotary design. If this does happen I would have no problem working with the Amesbury Chamber of Commerce if they wanted to put up pamphlets and to have a rack right there.

Councilor Pinierio – I would like to make a motion to accept the request for a common victualler license for Daniel F. Cleary d/b/a Sing For Your Supper.

Councilor Benson – second

Voted – 8 Yes, 1 not present (Lawrence)

MAYOR COMMUNICATIONS AND APPOINTMENTS

2004-67 Appointment of Debra Dow – Board of Assessors unexpired term to end 6/30/05

President McMilleon – reads 2004-67 into the record and asks Debra Dow to speak.

Councilor Pinierio – abstains from the vote.

Debra Dow, 3 Beach Lane – I applied for the unexpired term for the Board of Assessors. I felt that this position was a good way for me to give back to the community. I have a degree in law and in addition I have masters of law and taxation. I know there has been some dispute on whether or not a resident should be a member of this board so part of the reason that I applied was that I thought it would be nice for a resident to be on the board. I did meet with the Mayor and the Assessor and I do hope to work well with the Assessor and the one Board member who I think will be remaining.

Councilor Benson – I move for approval of 2004-67 as submitted.

Councilor Woodsom – second

Voted – 7 Yes, 1 Abstain (Pinierio), 1 Not present (Lawrence)

2004-68 Appointment of Rosemary Werner – Council on Aging term to expire 6/30/07

President McMilleon – reads 2004-68 into the record and asks Rosemary Werner to speak.

Councilor Pinierio – abstaining from the vote.

Rosemary Werner, Martin Rd – Currently the Director of Our Neighbors Table Program. I am interested in serving on the board because about 40% of the people I see on Wednesday and Saturdays are elderly. I look forward to working with the different organizations so that if there is anything that we can do to facilitate things in town I would be very interested in that. I am very interested in this town and where we are going and what I can do to help in anyway.

Councilor Headley – I make a motion that we approve.

Councilor Larnard – second

Voted – 7 Yes, 1 abstain (Pinierio), 1 not present (Lawrence)

President McMilleon – I have a request for the Town of Amesbury Master Plan 2004-60 to move it up on the agenda so we can deal with it now because we have a number of people here. Is there any objection to this?

Councilor Larnard – I just wanted to make a comment about the appointments. I want to thank those people that came forward and for all their years of service to the town. These are wonderful appointments for the town.

2004-60 Town of Amesbury Master Plan – Mayor Hildt sponsor

Bob Lavoie – I am one of the two Co-Chairs of the Master Plan Steering Committee. We appreciate your indulgence in moving us forward on the agenda. We have a power point presentation tonight. Eighteen months ago the Master Plan Steering Committee began. Councilor Benson has served as your representative on the Master Plan Steering Committee, in all we have nine members serving on the steering committee. Don Furman is the coach here along with me. The other seven members have been heading focus groups that have meet almost monthly to come up with the goals and objectives that you will hear about tonight. Each of those members led focus groups that also participated in the public process that we had for input and presentation. I know many of the city councilors attended those public secessions. The groups worked long and hard over the past 18 months and I think we have a product that is ready to present to you. We have been to the planning board on two occasions and which time the planning board did approve the master plan and recommended it to the council for consideration. The big picture is that the Master Plan needs to be submitted to the state by June 30th as part of the executive order for a team process and that has basically been wrapped inside the entire master plan process. We are on target to meet our time frame goals.

A power point presentation was given by: Craig Seymour, RKG Associates; Anthony Komornick, Merrimack Valley planning Commission; Scott Schilt, Vansse Hangen Brustlin, Inc. and Ken Schwartz, Vansse Hangen Brustlin, Inc. and Bob Lavoie. Copy attached.

Mike Greaney – The EDIC is all over the Master Plan, I do not think it should be included in the Master Plan until there is a public hearing on it. The Master Plan should not be considered until we have that public hearing.

Bob Lavoie – The Master Plan is a policy guiding goal. On the historical and cultural situation it will enshrine the principal that if you follow the master plan you will see that Amesbury as part of its goals and strategies says to preserve the past. Focus on preserving what can be preserved. The master

plan is not a micromanaging type tool. The master plan will incorporate a commitment by the town when it comes to historical resources, further study and input. As far as EDIC goes, while the master plan has economic development, EDIC is nowhere in the master plan. It was discussed in the focus group and it was specifically decided that was too much of a micromanaging type of situation.

President McMilleon – They talk about a lot of economic issues in the master plan but you are talking about those issues in a very broad prospective. The EDIC is a specific tool that could be potentially used for economic development in the community. There is no endorsement in the master plan for a EDIC. That is a separate issue that will be decided by this council at a future date.

Bob Lavoie – That is absolutely right. The guiding principal of the master plan is to explore all available tools for economic development.

Councilor Benson – Mike, I think what might be confusing to you and a lot of other people too is that the Mayor has requested that something about the EDIC be put in the master plan. It is not in there now Mike, there is no mention now.

Orlando Pacheco – In the comments that the Mayor submitted to the planning board he did comment that there was no mention of EDIC but we were pursuing the strategy of broader economic diversification. The planning board said that EDIC is already before the council so it does not need to be pursued directly as part of the master plan.

Councilor Benson – To respond to Mike once again, the idea of holding off approval of the master plan until we have that public hearing; I don't think that is a good idea for a lot of reasons. The most important is our deadline. We are looking at a deadline of June 30th or we run into a lot of trouble in terms of state funding.

Christophe Courchesne, 12 Woodlawn St. – I served on the master plan steering committee as the chair of the economic development focus group. We had multiple contentious discussions within the focus group about EDIC agencies, separate agencies. We decided a broader recommendation would be more keeping with the spirit of the master plan and also in keeping with all the consideration that have been discussed. The EDIC is not in our recommendations and not in the current document that you have before you. The second thing I wanted to say was that the broader goal strategy that we instead looked at was an examination of all the boards and committees; their legal responsibilities and any gaps. A comprehensive analysis is called for by the master plan so that we can identify places where there may be needs or not and go forward that way. It is pointless to discuss this EDIC issue in this form in the master plan.

Councilor Benson – Even if the EDIC were in the master plan, it in no way makes it law. It in no way binds us to do it. Each part of the master plan will be considered separately on its own merit.

Marc Deschenes, 1 Highland St. – Wants to know how a CIP could enhance the master plan.

Bob Lavoie – We do have a goal in the plan and this was developed after discussion with the Director of Public Works, goal PFI4.1.2 to support efforts to develop a CIP. To program funding on an annual basis for ongoing maintenance needs for existing facilities and to identify priorities for immediate and long term public improvement.

Marc Deschenes – When the master plan was in its infancy what consideration was given to the requirement that the town have a CIP? Was it just not talked about as a tool.

Scott Shields – In our discussions earlier this spring with the DPW we were informed that the CIP was being developed. Because we were advised that it was under way that is why we left it as a more general recommendation. The master plan is not a law or a charter, it is recommendations and suggestions. That one goal about the CIP is part of many additional recommendations.

Councilor King – As Scott had mentioned when the master plan process started I was on the finance group. We went through a lot of transitions and the committee basically fell apart because of lack of leadership and lack of public involvement. I was talking to Thatcher Keizer who is a member of our community and he very graciously offered to help along with David Frick. When we started to talk at this late stage in the game what our thought was; if we could come up with a tool that the town could use every year during the budget process.

Thatcher Keizer, 92 Monroe St. – I am the Chair of the Finance Focus Group for the master plan. I developed a decision making tool to help prioritize the action items and time sequence the objectives and action steps of the master plan. How we do this is fairly simple. We use the charting functions of an excel spread sheet. The charting allows us to create a visual presentation of the financial impact of the project over time. The visual impact tells us, if the community can figure out what its capacity is financially, looking at this chart, the costs to do certain programs at certain times creates spikes in the overall costs to the community. By doing this we can change start times and change the prioritization of the projects in order to level out the costs. It is a fairly simple tool with a significant impact.

Councilor King – When it is brought up at budget time we have the revenues and the expenditures and also weeded through that will be items on the CIP and the master plan. It would be a tool that the Steering and Implementation Committee, it would be a tool that they would use to work with the Mayors office and through the town and eventually to the council.

Councilor Pinierio – On the oversight committee, who determines who is on that committee?

President McMilleon – We are focusing right now on having the master plan presented to us. This is a hearing on the master plan. The Oversight and Implementation Committee is later on in the agenda and we are going to have a full discussion about that. It is now really in the purview of this committee. We have a full agenda ahead of us and we need to be focused on what is before us right now for discussion purposes. Some of the other questions that Mr. Deschenes was bringing up were very appropriate to what we ought to be talking about right here and now. If there are questions specifically about the master plan that is what we want to try to keep on.

Councilor Chandler – I would like that thank all the people that put in a full effort because I think it is a fabulous document and to envision where Amesbury is going to go. I know if this is the time that we are going to vote on it but, I just want to make sure that everybody knows that although the master plan is an advisory plan; smart growth ends as soon as we sign off on the master plan. When are we going to vote on the master plan?

Bob Lavoie – This does have to be filed with the state on June 30th. It does to go through MVPC for a review on a regional consistency basis prior to going to the state. We would like to give them 2 weeks to do their work in addition to giving VHB several days to do our work. If we could get a vote tonight it would be great or at least by the 15th.

President McMilleon – If we voted this tonight and then it went before the regional review and we submitted it on the 30th to the state, do we have an opportunity at any point to make amendments?

Bob Lavoie – You can amend your plan as often as you want but, it does have to go through a public process and then resubmitted to the state.

Councilor King – If we vote to approve the master plan the rules and regulations from the planning board and the bylaws are going to extend.

Councilor Chandler – I believe that the planning board requested that the smart growth be extended. It is important that we extend smart growth before we vote on this. Apparently the planning board needs to hold a public hearing on smart growth. I was going to make a motion that we approve this master plan but, adopt it but not have it finalized before it is approved by Merrimac valley and by the state and we get the approval letter back. At that point we can adopt it and by that time we will have had the public hearing on the smart growth and will have that all incorporated.

Nipun Jain – The way the smart growth bylaw is set up it says that under adoption of the master plan the terms and conditions of the smart growth bylaw are no longer in effect. We have filed a bill to request an extension of the date. We have not had the public hearing in the planning board. We want the master plan to be adopted, we also want to keep as part of the recommendation of the master plan the smart growth bylaw in place.

President McMilleon – If for example we were to approve this plan and it went before the state and the smart growth was made void because we adopted this, would it be that you would have a lapse of time when you would not have smart growth but, you could still come back and pass that.

Nipun Jain – Yes, we could do that.

President McMilleon – But you would have a window of time where you would not have the smart growth in effect for probably 30 – 60 days?

Nipun Jain – It could be, depending on how soon we get that bylaw extension approved.

President McMilleon declares the public hearing closed on the master plan and a 5 minute recess 9:30 – 9:45.

President McMilleon reads a motion by Councilor Chandler – *I move that the master plan as recommended by the planning board be adopted subject to the condition that the effective date of the master plan shall be immediately following the councils action on the ordinance to extend the expiration of the smart growth bylaw.* Is that agreeable to you?

Councilor Chandler – Yes

Councilor Benson – *second.* Nipun, I don't have the text of the smart growth bylaw in front of me. I just want to be sure; is this considered adoption. I don't want to run a foul here and have a problem with this. Is tonight considered adoption or is this OK.

Nipun Jain – I think the motion that was made addresses what we were talking about. It only comes into effect when you as a council take action on that bill 2004-76.

Voted – 8 – Yes, 1 not present (Lawrence).

2004-17 – An Act to provide for services to Christopher Way – Councilor Benson sponsor cont.

President McMilleon – reads 2004-17 into the record.

Councilor Benson – *I would like to ask that this be withdrawn.* There are still issues pertaining to liability.

Orlando Pacheco – As we have investigated the public adoption of Christopher Way, according to zoning there is really no way we can do this. We pretty much figured this out through the ordinance process but, we are still sort of in limbo as to who is liable for any action on the public access easement.

Councilor Pinierio – *second*

Voted – 8-Yes, 1 not present (Lawrence)

2004-51 A Resolution to request that the Municipal Council vote to transfer the Town owned land at 18 Water St. to the Merrimac Valley Regional Transit Authority – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-51 into the record.

Councilor Woodsom – *This was tabled in the finance committee waiting for additional information from the Mayors office, in light of this I move that we continue this to the July 13th council meeting.*

Councilor Benson – *second.*

Voted – 8-Yes, 1 not present (Lawrence)

2004-42 A Resolution to amend Council Rules 11A, Finance Committee – Councilor Joseph McMilleon sponsor cont.

President McMilleon – reads 2004-42 into the record. This was referred to the rules committee and I believe they have not met as of yet. There has not been a date set yet.

Councilor Woodsom – Chris is not here tonight and I do not have my schedule so can we set this at the finance committee when Chris is here.

President McMilleon – *I will entertain a recommendation to continue to refer it to the rules committee.*

Councilor Benson – *so moved*

Councilor Woodsom – *second*

Voted – 8-Yes, 1 not present (Lawrence)

2004-55 A Request to accept M.G.L., Chapter 140, Sec. 185I, License required for Telling of Fortunes for Money and establish a fee for said license – Councilor Benson sponsor

President McMilleon – reads 2004-55 into the record.

Councilor Woodsom – *The recommendation from the ordinance committee it says that Mr. Johnson added there shall be only one license provided hereunder per 50,000 inhabitants of the town. I will make that my motion to adopt as amended.*

Councilor King – *second*

Councilor Chandler – Has the fee been set?

Councilor Pinierio – Yes, it was part of the ordinance

Roll Call Vote – 8 – Yes, 1 not present (Lawrence)

2004-58 An Order to authorize the transfer of \$7,500 from Reserve for Unforeseen to Veterans Assistance Benefit – Mayor Hildt sponsor

President McMilleon – reads 2004-58 into the record

Councilor Woodsom – The recommendation from the finance committee was to adopt as submitted. I move the recommendation of the finance committee.

Councilor Chandler – *second*

Roll Call Vote – 8-Yes, 1 not present (Lawrence)

2004-57 An Order to authorize the transfer of \$20,000 from Reserve for Unforeseen to Legal Services General – Mayor Hildt sponsor

President McMilleon – reads 2004-57 into the record.

Councilor Woodsom – *This was continued in the finance committee to our June 23rd finance committee meeting and continue to the July 13th council meeting.*

Councilor Pinierio – *second*

Voted – 8 – Yes, 1 not present (Lawrence)

PUBLIC HEARINGS

2004-23 Amend Amesbury Zoning Bylaw Section V.E.6.D.1. – Obtaining permits for single unit/lot housing developments – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-23 into the record.

Nipun Jain – We had a meeting with the planning board today and they made the recommendations. Keep the point system but double the number of permits in that particular category so there is less waiting. The building inspector believes that is a good recommendation that way he will not have people asking what is the status, we will be able to give them building permits but, still allow the town

to retain some control on large scale developments which is one of the primary issues that the smart growth bylaw addresses.

Councilor Pinierio – You are saying that the building inspector changed, he wants the point system, I thought he didn't want the point system.

Nipun Jain – Initially he didn't because the point system had the people waiting longer because there were only 12 permits. Now we have increased the number of permits. Plus at the planning board hearing there were other people that supported the point system. It is something that allows the town to do infrastructure improvements and to get protection of environmental resources like wet lands. It is a good benefit for the town.

President McMilleon – This went before the ordinance committee and they did not make a recommendation because they did not have information from the planning board.

Councilor Benson – I think we should send this back to ordinance.

President McMilleon – I am going to close the public hearing. What we don't have is a recommendation from the ordinance committee. Councilor Lawrence is not here tonight, we are just getting the recommendation from the planning board. I really think this needs to go back to ordinance and we need to have it come out of ordinance committee with a recommendation.

Councilor Benson – *I move that we refer this to the ordinance committee and that it comes back on our agenda for our July meeting.*

Councilor Pinierio – *I'll second that.*

Councilor King – The building inspector and Nipun asked if we could expediate this because there is a gentleman waiting for his permit that has been waiting for 6 months. If we can get it back to the ordinance committee in a timely fashion and the ordinance agreed to meet to take care of this, we could bring it up at one of the council meetings coming up.

President McMilleon – We are having a meeting on June 22nd.

Councilor Woodsom – We have a recommendation from the planning board and the ordinance committee has to approve the wording.

Councilor Benson – Is there anyway that you can meet as the ordinance committee before one of our meetings, before the June 22nd meeting. *I move that we refer this to ordinance and that it comes back to us on the June 22nd meeting.*

Councilor Pinierio – *second*

Voted 8 – Yes, 1 not present (Lawrence)

2004-24 Amend Amesbury Zoning Bylaw Section V.E.6.A – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-24 into the record and opens the public hearing.

Councilor Chandler – *I move to send this back to the ordinance committee and to our June 22nd council meeting.*

Councilor Benson – *second*

Voted – 8-Yes, 1 not present (Lawrence)

2004-50 An Ordinance to see if the Municipal Council will vote to amend the Amesbury Zoning Map to change Map 53 Lot 56 (40 Elm St) and Map 53 Lot 108 (3Ring St.) from IC to CBD – Mayor Hildt sponsor cont.

President McMilleon – reads 2004-50 into the record and opens the public hearing.

Councilor Woodsom – Why is this not considered spot zoning?

Nipun Jain – Existing use in the Commercial Industrial is not permitted. If it is changed to CBD the existing use would be permitted and be the same as the abutting property.

Councilor Benson – *I move approval of 2004-50 as submitted.*

Councilor Chandler – *second*

Roll Call Vote – 8-Yes, 1 not present (Lawrence)

2004-61 FY-05 Budget – Mayor Hildt sponsor

President McMilleon – reads 2004-61 into the record.

Councilor Woodsom – *I move to continue this to a public hearing at our June 22nd meeting.*

Councilor Pinierio – *second*

Voted – 8 Yes, 1 not present (Lawrence)

NEW BUSINESS

2004-62 An Order to request the Municipal Council to accept a DEP grant \$6,176 – Mayor Hildt sponsor

President McMilleon – reads 2004-62 into the record.

Councilor Woodsom – *I move we refer this to our June 23 Finance Committee meeting.*

Councilor Larnard – *second*

Voted – 8 Yes, 1 not present (Lawrence)

2004-65 An Order to request the Municipal Council to accept additional grant money from MEMA – Mayor Hildt sponsor

President McMilleon – reads 2004-65 into the record.

Councilor Woodsom – *I move we refer this to our June 23rd Finance Committee meeting.*

Councilor Benson – *second*

Voted – 8 Yes, 1 not present (Lawrence)

2004-66 A Request that the Municipal Council increase the mileage reimbursement – Mayor Hildt sponsor

President McMilleon – reads 2004-65 into the record.

Councilor Woodsom – I refer this to the June 23rd Finance Committee meeting.

Councilor Benson – second

Voted – 8 Yes, 1 not present (Lawrence)

2004-69 Citizen Petition

President McMilleon – reads 2004-69 into the record.

Councilor Benson – *moved to refer 2004-69 to a public hearing with the municipal council on June 23rd at 6:30PM and to the June 23rd finance committee meeting.*

Councilor Larnard – *second*

Voted – 8 Yes, 1 not present (Lawrence)

2004-70 An Order to authorize a transfer between General Dept. Fund - Mayor Hildt sponsor

President McMilleon – reads 2004-70 into the record

Councilor Woodsom – *I refer this to the June 30th finance committee meeting.*

Councilor Chandler – *second*

Voted – 8 Yes, 1 not present (Lawrence)

2004-71 An Order to authorize a transfer within the Sewer Dept. Fund – Mayor Hildt sponsor

President McMilleon – reads 2004-71 into the record

Councilor Woodsom – *I refer this to the June 30th finance committee meeting.*

Councilor Benson – *second*

Voted – 8 Yes, 1 not present (Lawrence)

2004-72 An Order to authorize a transfer within the Landry Stadium Fund – Mayor Hildt sponsor

President McMilleon – reads 2004-72 into the record.

Councilor Woodsom – *I refer this to the June 30th finance committee meeting.*

Councilor Pinierio – second

Voted – 8 Yes, 1 not present (Lawrence)

2004-73 An Order to authorize a transfer within the Water Dept. Fund – Mayor Hildt sponsor
President McMilleon – reads 2004-73 into the record.

Councilor Woodsom – *I refer this to the June 30th finance committee meeting.*

Councilor Pinierio – *second*

Voted – 8 Yes, 1 not present (Lawrence)

2004-74 An Order to authorize a transfer to the Stabilization Fund – Mayor Hildt sponsor
President McMilleon – reads 2004-74 into the record.

Councilor Woodsom – *I refer this to the June 30th finance committee meeting.*

Councilor Pinierio – *second*

Voted – 8 Yes, 1 not present (Lawrence)

2004-75 Administrative Order #04-1 Master Plan Implementation and Oversight Committee – Mayor Hildt sponsor
President McMilleon – reads 2004-75 into the record.

Councilor Benson – *I move we approve as amended.*

Councilor Pinierio – *second*

Voted – 8 Yes, 1 not present (Lawrence)

2004-76 An Ordinance to Amend the Zoning Bylaw under the provisions of M.G.L. Ch. 40A, Section 5 to extend the terms of the Smart Growth Bylaw – Mayor Hildt sponsor
President McMilleon – reads 2004-76 into the record.

Councilor Benson – *I move to refer this to the planning board and ordinance and for a public hearing at the municipal council meeting on July 13th.*

Councilor Pinierio – *second.*

Voted – 8 Yes, 1 not present (Lawrence)

COUNCIL COMMUNICATIONS, ANNOUNCEMENTS AND COMMITTEE REPORTS

Councilor Larnard – recommends that the Municipal Council send a letter of support for James Thivierge's Senate Bill 2332.

Councilor Benson – *second*

Councilor Benson – moves for adjournment 10:45PM
Councilor Pinierio – *second*

Respectfully submitted,
Assistant Town Clerk